

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2015 MAR 10 PM 1:51
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY AD

IN RE:

WHOLE FOODS MARKET, INC.,
GREEK YOGURT MARKETING
AND SALES PRACTICES LITIGATION

Case No. A-14-MC-2588-SS
[MDL No. 2588]

THIS DOCUMENT RELATES TO ALL CASES.

PRETRIAL ORDER NO. 1

The cases listed on Attachment A merit special attention as complex Multidistrict Litigation (MDL). Accordingly, the Court enters the following Order:

1. **Scope of Order:** This Order governs the practice and procedures in the actions transferred to this Court by Order of the Judicial Panel on Multidistrict Litigation dated December 22, 2014 and related actions filed in the Western District of Texas. *See* Attachment A (listing transferred actions and related actions filed in this District). Any related action later filed in, removed to, or transferred to this Court shall also be subject to this Order.
2. **Consolidation:** The cases listed on Attachment A are hereby consolidated for pretrial purposes. Related actions later filed in, removed to, or transferred to this Court will be consolidated automatically with this action without the need of further motions or orders. This consolidation does not constitute a determination that the actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which he, she, or it has not been named, served, or added in accord with the Federal Rules of Civil Procedure.

3. **Initial Conference:** An initial conference shall be held in these proceedings on **Thursday, June 25, 2015 at 9:00 a.m. CDT** in Courtroom 2, Fourth Floor, United States Courthouse, 501 West Fifth Street, Austin, Texas 78701. If the conference is not concluded on that day, it will continue on **Friday, June 26, 2015 at 9:00 a.m. CDT** in Courtroom 2, Fourth Floor, United States Courthouse, 501 West Fifth Street, Austin, Texas 78701.

(a) **Appearance at Initial Conference.** Attendance at the initial conference will **not** waive objections to jurisdiction, venue, or service. To minimize costs and facilitate a manageable conference, parties with similar interests may designate an attending attorney to represent their interests at the conference. Doing so will not preclude a party from personally participating or selecting other representation in the future. However, parties must inform the Court of any such designation no later than **Thursday, June 11, 2015 at 5 p.m. CDT** via email to Linda_D_Mizell@txwd.uscourts.gov.

(b) **Purposes.** The conference will be held for the purposes specified in FED. R. CIV. P. 16(a), 16(b), 16(c), and 26(f). The items discussed in § 11.21 and subsections thereof of the *Manual For Complex Litigation, Fourth* shall constitute a tentative agenda. Additionally, the Court will select attorneys for the positions of lead and liaison counsel for plaintiffs and defendants during the conference. Counsel are encouraged to advise the Court as soon as possible of any items that should be added to the agenda.

(c) **Preparation for Conference.**

(i) **Procedures for Complex Litigation:** Counsel are expected to familiarize themselves with the *Manual for Complex Litigation, Fourth* and to be prepared at the

conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.

(ii) **Conference of Counsel:** Before the conference, counsel for plaintiffs and defendants shall confer and seek consensus to the extent possible with respect to a proposed discovery plan under Rule 26(f) that contains expert discovery deadlines and a suggested schedule under Rule 16(b) for joinder of parties, amendment of pleadings, consideration of class action allegations, and motions under Rules 12, 23, and 56.

(iii) **Briefs Regarding Current Status:** At least seven business days prior to the initial conference, plaintiffs and defendants shall each submit to the Court a written statement of 25 pages or less outlining their view of: (a) the primary facts, allegations, claims, and defenses involved in the litigation, the critical factual and legal issues, and any other pertinent factual or legal background; (b) an overview of the procedural status of all actual and potential cases involved in this MDL, including full citations thereto, the status of discovery to date, and the status of motions, decisions, and other important events in the litigation, if any; (c) the status of any related state-court litigation; and (d) a prediction of the number of cases that may become a part of this MDL. These statements will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in later proceedings. The statements shall list all motions pending as of the date of this Order, as well as all related cases pending in state or federal court and their current

status. **The parties are limited to one submission for all plaintiffs and one submission for all defendants.**

(iv) **Organizational Structure, Lead Counsel, & Liaison Counsel:** Plaintiffs and defendants shall each submit a proposed organizational structure for the litigation which shall include candidates for permanent lead counsel¹ and permanent liaison counsel.² Proposals must be filed with the Court at least seven business days prior to the initial conference and must include lead and liaison counsel candidates' names, physical and e-mail addresses, phone numbers, and resumes. Proposed organizational structures are subject to approval of the Court, and the Court may change any and every portion thereof.

4. **Service List:** Until the initial conference, service of all papers, including this Order, shall be upon the persons shown on Attachment B, which consists of counsel of record as of the date of this Order. Counsel on this list are requested to forward a copy of the Order to other attorneys who should be notified of the matters herein. The parties shall prepare a corrected service list at the initial

¹ Lead counsel are "[c]harged with formulating (in consultation with other counsel) and presenting positions on substantive and procedural issues during the litigation. Typically they act for the group—either personally or by coordinating the efforts of others—in presenting written and oral arguments and suggestions to the court, working with opposing counsel in developing and implementing a litigation plan, initiating and organizing discovery requests and responses, conducting the principal examination of deponents, employing experts, arranging for support services, and seeing that schedules are met." *Manual for Complex Litigation, Fourth* § 10.221.

² Liaison counsel are "[c]harged with essentially administrative matters, such as communications between the court and other counsel (including receiving and distributing notices, orders, motions, and briefs on behalf of the group), convening meetings of counsel, advising parties of developments, and otherwise assisting in the coordination of activities and positions. Such counsel may act for the group in managing document depositories and in resolving scheduling conflicts." *Manual for Complex Litigation, Fourth* § 10.221.

conference, which shall include street and e-mail addresses of counsel, as well as telephone and fax numbers.

5. **Admission of Counsel:** Attorneys admitted to practice and in good standing in any United States District Court are hereby admitted *pro hac vice* in this litigation. Association of local co-counsel is not required. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

6. **Master Docket File:** Any pleading or document that is to be filed in any of these actions shall be filed with the Clerk of this Court and not in the transferor court. The Clerk of this Court will maintain a master docket case filed under the style: "In Re: Whole Foods Market, Inc. Greek Yogurt Marketing and Sales Practices Litigation" and the identification "A-14-MC-2588-SS [MDL No. 2588]." When a pleading is intended to apply to all of the actions, that pleading shall bear the identification "A-14-MC-2588-SS [MDL No. 2588]" and the words "This Document Relates to All Cases." **Pleadings applicable to all cases shall be filed ONLY in the master docket file.** When a pleading is intended to apply to fewer than all of the cases, that pleading shall bear the identification "A-14-MC-2588-SS [MDL No. 2588]" **and**, preceded by the words "This Document Relates To," this Court's docket number for each individual case to which the document relates. **Pleadings applicable to fewer than all cases shall be filed ONLY in the applicable individual cases and NOT in the master docket.**

(a) **Electronic Case Filing.** All documents filed in this Court, after those initiating a new case, must be filed electronically pursuant to Local Rule CV-5 and this Court's Administrative Policies and Procedures for Electronic Filing in Civil and Criminal Cases. Forms and instructions related to electronic filing can be found at

<http://www.txwd.uscourts.gov/CMECF/default.asp>. **Service shall be made ONLY through CM/ECF.**

(b) **Docketing New Cases.** When an action that properly belongs in *In Re: Whole Foods Market, Inc. Greek Yogurt Marketing & Sales Practices Litigation* is hereafter filed in the Western District of Texas or transferred here from another court, the Clerk of this Court shall:

- (i) File a copy of this Order in the separate file for each action;
- (ii) Make an appropriate entry on the master docket sheet;
- (iii) Forward to the attorneys for the plaintiff in the newly-filed or transferred case a copy of this Order;
- (iv) Upon the first appearance of any new defendant, forward to the attorneys for the defendant a copy of this Order.

7. **Extension of Time:** The defendants are hereby granted an extension of time to respond to the complaints by motion or by answer, until a date to be set following the initial conference.

8. **Pending and New Discovery:** Pending the initial conference, all outstanding disclosure and discovery requirements are hereby stayed, and no further discovery shall be initiated. This Order does not preclude voluntary, informal discovery regarding the identification and location of relevant documents and witnesses, nor does it prevent a party from voluntarily making disclosures or responding to an outstanding discovery request under federal Rules of Civil Procedure 33, 34, or 36.

9. **Discovery Disputes:** All discovery disputes will either be handled by the undersigned or referred to the Honorable Andrew Austin, United States Magistrate Judge.

10. **Pending Motions:** Pending motions in cases transferred or removed to this MDL from another court must be re-filed in the master docket or in the individual docket, as appropriate under paragraph six (6) of this Order, to receive consideration by this Court. Pending motions in cases filed in this District are hereby DENIED WITHOUT PREJUDICE. Such motions must be re-filed in the master docket or in the individual docket, as appropriate under paragraph seven (7) of this Order, to receive consideration. Re-filing of all such motions (in both transferred and WDTX cases) shall be done **after** the initial conference and pursuant to the scheduling order to be entered by the Court.

11. **Motion Hearings:** This Court does not conduct motion hearings as a matter of course. If the Court deems a hearing necessary, it will be scheduled by the Court.

12. **Orders of Transferor Courts:** All orders by transferor courts which impose dates for hearings, pleadings, discovery, or conferences are hereby VACATED.

13. **Preservation of Evidence:** All parties and their counsel are reminded of their duty to preserve evidence that may be relevant to this action. The duty extends to documents, data, and tangible things in possession, custody, and control of the parties to this action, and any employees, agents, contractors, carriers, bailees, or other nonparties who possess materials reasonably anticipated to be subject to discovery in this action. "Documents, data, and tangible things" is to be broadly interpreted and includes, but is not limited to, writings, records, files, correspondence, reports, memoranda, calendars, diaries, minutes, electronic messages, voice mails, emails, telephone message records or logs, computer and network activity logs, backup data, removable computer storage media, printouts, document and image files, Web pages, databases, spreadsheets, software, books ledgers, journals, orders, invoices, bills, vouchers, check statements, worksheets, summaries,

compilations, computations, charts, diagrams, graphic presentations, drawings, films, digital or chemical-process photographs, video, tape or digital recordings or transcripts thereof, drafts, jottings and notes, studies or drafts thereof, or other similar such material. Information that serves to identify, locate, or link such material, such as file inventories, file folders, indices, and metadata, is also included in this definition. Preservation includes the obligation not to alter any such thing as to its form, content, or manner of filing.

Until the parties reach an agreement on a preservation plan or the Court orders otherwise, each party shall take reasonable steps to preserve all documents, data, and tangible things containing information potentially relevant to the subject matter of this litigation. Each counsel is under an obligation to the Court to exercise all reasonable efforts to identify and notify parties and nonparties, including employees of corporate or institutional parties, of the contents of this paragraph. Failure to comply may lead to dismissal of claims, striking of defenses, imposition of adverse inferences, or other dire consequences.

Before any devices, tangible things, documents, and other records that are reasonably calculated to lead to admissible evidence are destroyed, altered, or erased, counsel shall confer to resolve questions as to whether the information should be preserved. If counsel are unable to agree, any party may apply to this Court for clarification or relief from this Order upon reasonable notice.

14. Discovery Shall Not Be Filed: Pursuant to Rule 5(d) of the Federal Rules of Civil Procedure, discovery requests and responses shall not be filed with the Clerk or sent to the Judge's Chambers, except when specifically ordered by the Court.

15. Motions to Certify Class: Counsel shall refrain from filing motions for class certification pending entry of a scheduling order following the initial conference.

16. **Communication with the Court:** Unless otherwise ordered by this Court, all substantive communications with the Court shall be in writing, with copies to opposing counsel.

17. **Professionalism:** This type of litigation requires counsel to fulfill their obligations as advocates while working with other counsel in a collegial manner and maintaining positive and productive professional relationships. The Court expects—indeed, demands—this objective be achieved without judicial intervention.

18. **Website:** Significant orders and opinions will be published on the Court's website at <http://www.txwd.uscourts.gov/Opinions/Cases/wholefoods/default.asp>. The website will not include a complete inventory of all orders and opinions entered by the undersigned. The web posting of these orders and opinions is intended as a courtesy to counsel and the documents found there are not considered part of the official record of this proceeding. The official record is available via PACER or at the public terminal located in the reception area of the Clerk's office.

It is so ORDERED.

The Clerk is DIRECTED to send a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation and to counsel of record.

SIGNED this the 10th day of March 2015.



SAM SPARKS
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

**WHOLE FOODS MARKET, INC.,
GREEK YOGURT MARKETING
AND SALES PRACTICES LITIGATION**

**Case No. A-14-MC-2588-SS
[MDL No. 2588]**

THIS DOCUMENT RELATES TO ALL CASES.

ATTACHMENT A

District of Arizona

Richards v. Whole Foods Market Group, Inc. et al., C.A. No. 2:14-2221

Central District of California

Jackson et al. v. Whole Foods Market, Inc., C.A. No. 2:14-06705

Middle District of Florida

Markley v. Whole Foods Market Group, Inc., C.A. No. 8:14-01892

District of Massachusetts

Knox et al. v. Whole Foods Market Group, Inc. et al., C.A. No. 1:14-13185

Eastern District of Missouri

Rodhouse v. Whole Foods Market Group, Inc., C.A. No. 4:14-1764-HEA

District of New Jersey

Bilder et al. v. Whole Foods Market Group, Inc., C.A. No. 1:14-6146-RBK-JS

Southern District of New York

Grodnick et al. v. Whole Foods Market Group, Inc. et al., C.A. No. 1:14-07035-ALC

Eastern District of Pennsylvania

Clemente et al. v. Whole Foods Market Group, Inc. et al., C.A. No. 2:14-5652

Western District of Texas

Kubick v. Whole Foods Market, Inc., C.A. No. 1:14-1013-SS

Steeley v. Whole Foods Market Rocky Mountain/Southwest, L.P. et al., C.A. No. 1:14-932-SS

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

**WHOLE FOODS MARKET, INC.,
GREEK YOGURT MARKETING
AND SALES PRACTICES LITIGATION**

**Case No. A-14-MC-2588-SS
[MDL No. 2588]**

THIS DOCUMENT RELATES TO ALL CASES.

**ATTACHMENT B
INITIAL SERVICE LIST**

Ross H. Schmierer Paris Ackmerman & Schmierer LLP 1200 Avenue of the Americas 3rd Floor New York, NY 10036 212-354-0030 Fax: 973-629-1246 Email: ross@paslawfirm.com	representing: Kevin Grodnick (plaintiff) Janet Woo (plaintiff) Kathy Yeung (plaintiff)
Stephen P. DeNittis DeNittis Osefchen, P.C. 5 Greentree Centre 525 Route 73 North, Suite 410 Marlton, NJ 08053 856-797-9951 Fax: 856-797-9978 Email: sdenittis@denittislaw.com	representing: Carmine Clemente (plaintiff) Samantha Kilgallen (plaintiff) Mark Bilder (plaintiff) Richard Steeley (plaintiff)
Steven A. Gibbins Law Offices of Steve Gibbins 1411 West Ave Suite 200 Austin, TX 78701-1537 (512) 474-2441 Fax: 512/482-8303 Email: sgibbins@1411west.com	representing: Richard Steeley (plaintiff)

<p>Adrian Bacon Law Offices of Todd Friedman PC 324 S. Beverly Drive, Suite 725 Beverly Hills, CA 90212 877-206-4741 Fax: 866-633-0228 Email: abacon@attorneysforconsumers.com</p>	<p>representing: Chas Jackson (plaintiff) Josh Koffman (plaintiff)</p>
<p>Suren Weerasuriya Law Offices of Todd M. Friedman PC 324 South Beverly Drive, Suite 725 Beverly Hills, CA 90212 877-206-4741 Fax: 866-633-0228 Email: sweerasuriya@attorneysforconsumers.com</p>	<p>representing: Chas Jackson (plaintiff) Josh Koffman (plaintiff)</p>
<p>Todd M. Friedman Law Offices of Todd M. Friedman, P.C. 324 S. Beverly Dr., #725 Beverly Hills, CA 90212 877-206-4741 Fax: 866-633-0228 Email: tfriedman@attorneysforconsumers.com</p>	<p>representing: Chas Jackson (plaintiff) Josh Koffman (plaintiff)</p>
<p>Joshua Harris Eggatz The Eggatz Law Firm PA 5400 S. University Dr. Suite 413 Davie, FL 33328 954-889-3359 Fax: 954-889-5913 Email: jeggatz@eggatzlaw.com</p>	<p>representing: Ryan Markley (plaintiff)</p>
<p>Michael Thomas Fraser Fraser Law Firm. P.C. 5445 Parkford Cir. Granite Bay, CA 95746-6684 386-848-4194 Email: frasermt83@gmail.com</p>	<p>representing: Ryan Markley (plaintiff)</p>

<p>Charles J. LaDuca Cuneo Gilbert & LaDuca, LLP 8120 Woodmont Ave., Suite 810 Bethesda, MD 20814 202-789-3960 Fax: 202-789-1813 Email: charlesl@cuneolaw.com</p>	<p>representing: Tracey Knox (plaintiff) Sarah McDonagh (plaintiff) Derek Guluba (plaintiff) Barbara Trevino (plaintiff)</p>
<p>Erica C. Mirabella 132 Boylston St, 5th Floor Boston, MA 02116 617-58--8270 Email: emirabella@gnemlaw.com</p>	<p>representing: Tracey Knox (plaintiff) Sarah McDonagh (plaintiff) Derek Guluba (plaintiff) Barbara Trevino (plaintiff)</p>
<p>Jon M. Herskowitz Baron & Herskowitz 9100 S. Dadeland Blvd. Suite 1704 Miami, FL 33156 305-670-0101 Email: jon@bhfloridalaw.com</p>	<p>representing: Tracey Knox (plaintiff) Sarah McDonagh (plaintiff) Derek Guluba (plaintiff) Barbara Trevino (plaintiff)</p>
<p>Joseph Siprut Siprut PC 17 North State St. Suite 1600 Chicago, IL 60602 312-236-0000 Fax: 312-878-1342 Email: jsiprut@siprut.com</p>	<p>representing: Tracey Knox (plaintiff) Sarah McDonagh (plaintiff) Derek Guluba (plaintiff) Barbara Trevino (plaintiff)</p>
<p>Tina Wolfson Ahdoot & Wolfson, P.C. 1016 Palm Ave. West Hollywood, CA 90069 310-474-9111 Fax: 310-474-8585 Email: twolfson@ahdootwolfson.com</p>	<p>representing: Tracey Knox (plaintiff) Sarah McDonagh (plaintiff) Derek Guluba (plaintiff) Barbara Trevino (plaintiff)</p>

<p>William H. Anderson Cuneo Gilbert & LaDuca LLP 507 C. Street NE Washington, DC 20002 202-789-3960 Fax: 202-789-1813 Email: wanderson@cuneolaw.com</p>	<p>representing: Tracey Knox (plaintiff) Sarah McDonagh (plaintiff) Derek Guluba (plaintiff) Barbara Trevino (plaintiff)</p>
<p>Charles S Zimmerman Zimmerman Reed PLLP 651 Nicollet Mall, #501 Minneapolis, MN 55402 (612) 341-0400 Email: charles.zimmerman@zimmreed.com</p>	<p>representing: Ashley Richards (plaintiff)</p>
<p>Hart L. Robinovitch Zimmerman Reed PLLP 14646 N. Kierland Blvd., Ste. 145 Scottsdale, AZ 85254 480-348-6400 Fax: 480-348-6415 Email: Hart.Robinovitch@zimmreed.com</p>	<p>representing: Ashley Richards (plaintiff)</p>
<p>Joseph A. Osefchen DeNittis Osefchen, P.C. 5 Greentree Centre 525 Route 73 North, Suite 410 Marlton, NJ 08053 (856) 797-9951 Fax: (856) 797-9978 Email: josefchen@denittislaw.com</p>	<p>representing: Mark Bilder (plaintiff) Richard Steeley (plaintiff)</p>
<p>David L. Steelman Steelman, Gaunt & Horsefield 901 Pine Street, Ste. 110 P.O. Box 1257 Rolla, MO 65402 573-341-8336 Fax: 573-341-8548 Email: dstelman@steelmanandgaunt.com</p>	<p>representing: Sarah Rodhouse (plaintiff)</p>

Matthew H. Armstrong Armstrong Law Firm, LLC 8816 Manchester Road St. Louis, MO 63144 314-258-0212 Email: matt@mattarmstronglaw.com	representing: Sarah Rodhouse (plaintiff)
Janine Lee Pollack Wolf Haldenstein Adler Freeman & Herz, LLP 270 Madison Avenue New York, NY 10016 212.545.4710 Fax: 212.545.4653 Email: pollack@whafh.com	representing: Stephen Kubick (plaintiff)
Marc R. Stanley Stanley Law Group 3100 Monticello Avenue Suite 770 Dallas, TX 75205 (214)443-4300 Fax: 214/443-0358 Email: marcstanley@mac.com	representing: Stephen Kubick (plaintiff)
Martin Darren Hebel Woodward Stanley Iola, L.L.P. 3100 Monticello Avenue Suite 750 Dallas, TX 75205 (214)443-4300 Fax: 214/443-0358 Email: mwoodward@stanleyiola.com	representing: Stephen Kubick (plaintiff)
Matthew J. Zevin Stanley Law Group 225 Broadway, Suite 1350 San Diego, CA 92101 619.235.5306 Fax: 815.377.8419 Email: mzevin@aol.com	representing: Stephen Kubick (plaintiff)

<p>Nancy A. Kulesa Levi & Korsinsky LLP 733 Summer Street, Suite 304 Stamford, CT 06901 212-363-7500 Fax: 866-367-6510 Email: nkulesa@zlk.com</p>	<p>representing: Stephen Kubick (plaintiff)</p>
<p>Shannon L. Hopkins Levi & Korsinsky LLP 733 Summer Street, Suite 304 Stamford, CT 06901 (212) 363-7500 Fax: 866-367-6510 Email: shopkins@zlk.com</p>	<p>representing: Stephen Kubick (plaintiff)</p>
<p>Stephanie A. Bartone Levi & Korsinsky, LLP 733 Summer Street Suite 304 Stamford, CT 06901 212.363.7500 Fax: 866.367.6510 Email: sbartone@zlk.com</p>	<p>representing: Stephen Kubick (plaintiff)</p>
<p>Dawn M. Mertineit Seyfarth Shaw World Trade Center East, Suite 300 Two Seaport Lane Boston, MA 02210 617-946-4917 Fax: 617-790-5344 Email: dmertineit@seyfarth.com</p>	<p>representing: Whole Foods Market, Inc. (defendant) Whole Foods Market Group, Inc. (defendant) WFM Private Label, L.P. (defendant)</p>
<p>Jay William Connolly Seyfarth Shaw 560 Mission St. Suite 3100 San Francisco, CA 94111 415-397-2823 Fax: 415-397-8549 Email: jconnolly@seyfarth.com</p>	<p>representing: Whole Foods Market, Inc. (defendant) Whole Foods Market Group, Inc. (defendant) WFM Private Label, L.P. (defendant) Whole Foods Market California, Inc. (defendant) WFM-WO, Inc. (defendant) Mrs. Gooch's Natural Foods Markets, Inc. (defendant)</p>

<p>Stephen Bazarian Seyfarth Shaw World Trade Center East Two Seaport Lane, Suite 300 Boston, MA 02210-2028 617-946-4800 Email: sbazarian@seyfarth.com</p>	<p>representing: Whole Foods Market, Inc. (defendant) Whole Foods Market Group, Inc. (defendant) WFM Private Label, L.P. (defendant)</p>
<p>Jacob Oslick Seyfarth Shaw LLP 620 Eighth Ave, 31st Floor New York, NY 10018 212-218-6480 Email: joslick@seyfarth.com</p>	<p>representing: Whole Foods Market Group, Inc. (defendant) WFM Private Label, L.P. (defendant)</p>
<p>James S. Yu Seyfarth Shaw LLP 620 Eighth Avenue New York, NY 10018-1405 212-218-5524 Fax: 212-218-5526 Email: jyu@seyfarth.com</p>	<p>representing: Whole Foods Market Group, Inc. (defendant) WFM Private Label, L.P. (defendant)</p>
<p>Joseph J. Orzano Seyfarth Shaw 560 Mission St. Suite 3100 San Francisco, CA 94111 415-397-2823 Fax: 415-397-8549 Email: jorzano@seyfarth.com</p>	<p>representing: Whole Foods Market Group, Inc. (defendant) WFM Private Label, L.P. (defendant) Whole Foods Market California, Inc. (defendant) WFM-WO, Inc. (defendant) Mrs. Gooch's Natural Foods Markets, Inc. (defendant)</p>
<p>Michael W. Kopp Seyfarth Shaw, LLP 400 Capitol Mall Suite 2350 Sacramento, CA 95814-4428 916-498-7039 Fax: 916-288-6339 Email: mkopp@seyfarth.com</p>	<p>representing: Whole Foods Market Group, Inc. (defendant)</p>

Shuman Sohrn
Seyfarth Shaw LLP
1075 Peachtree St. NE
Suite 2500
Atlanta, GA 30309-3962
404-885-1500
Fax: 404-724-1587
Email: ssohrn@seyfarth.com

representing:
Whole Foods Market Group, Inc.
(defendant)